

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 BRADFORD TRUMAN HINES,)
)
 Defendant.)

CASE NO. MJ07-598

DETENTION ORDER

Offense charged in the District of Nevada:

Possession of Child Pornography, in violation of Title 18, U.S.C., Section 2252A(a)(5)(B).

Date of the Rule 5 and Detention Hearing: December 28, 2007.

The Court conducted both a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the District of Nevada to answer the charges. The Court finds that, based upon the factual findings and statement of reasons for detention hereafter set forth, no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Roger Rogoff. The defendant was represented by Michael Filipovic.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The circumstances of his arrest which led to these federal charges also involve state charges of child abduction by deception. The state authorities allege that the defendant was identified by a nine-year old girl as having tried to abduct her by inviting her to a Halloween party on November 1, 2007. She ran from him and immediately reported him. A neighbor also noted his Washington vehicle license plate and reported it. He was arrested that same day and consented to a search of his car which revealed incriminating evidence including his laptop with depictions of child pornography, along with more than twenty pairs of underwear for both women and children, and other sex-related paraphernalia. These facts are quite strong given the immediacy of the arrest following the alleged offense. The fact that the defendant resided in Idaho and needed to travel across state lines to accomplish this offense is deeply concerning given that he is and has been unemployed and his future prospects are currently limited.

(2) The defense presented several conditions to ensure the defendant's presence in all proceedings, such as third party supervision by his father who lives in Idaho or in the alternative his mother who resides in Bellevue. None of these conditions adequately address the safety issues present in this case where sexual deviancy appears to be coupled with predatory behavior involving unrelated children.

It is therefore ORDERED:

(1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

- 1 (2) The defendant shall be afforded reasonable opportunity for private consultation
2 with counsel;
- 3 (3) On order of a court of the United States or on request of an attorney for the
4 Government, the person in charge of the corrections facility in which the
5 defendant is confined shall deliver the defendant to a United States Marshal for
6 the purpose of an appearance in connection with a court proceeding; and
- 7 (4) The clerk shall direct copies of this order to counsel for the United States, to
8 counsel for the defendant, to the United States Marshal, and to the United
9 States Pretrial Services Officer.

10 DATED this 3rd day of January, 2008.

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14 MONICA J. BENTON
15 United States Magistrate Judge
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